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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,641	03/16/2004	Haruo Akiba	250385US3	1150

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

NOTIFICATION DATE	DELIVERY MODE
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12/31/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/800,641

Applicant(s)

AKIBA, HARUO

Examiner

Matthew J. Kasztejna

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice of Amendment

In response to the amendment filed on October 19, 2007, amended claim 1 is acknowledged. The following new grounds of rejection are set forth:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "manipulating head assembly fluid feed port" in lines 14-15 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "fluid feed port" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "fluid supply channel selector means" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "fluid feed port" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "fluid feed adaptor" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "fluid feed adaptor" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "fluid feed adaptor" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "fluid feed adaptor" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "fluid feed adaptor" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,425,535 to Akiba in view of U.S. Patent No. 5,413,561 to Fischell et al.

In regards to claims 1 and 4-5, Akiba discloses an endoscopic fluid supply conduit system suitable for use in an endoscope having an insertion tube 2 and a universal cable 3 connected to and from a manipulating head assembly 1, the fluid supply conduit system comprising: a first fluid conduit 12a extended from the manipulating head assembly and through the insertion tube toward an injection port 5 provided on a rigid tip end section at the fore distal end of the insertion tube; a second fluid conduit 12b provided internally of the universal cable and communicable with the

first fluid conduit within the manipulating head assembly; and a mouthpiece 21 fixedly fitted in a manipulating head assembly fluid feed port 20a and having an axial receptacle bore, a first connection port formed at an inner axial end of said mouth piece for connecting said first fluid conduit in communication with said receptacle bore and a second connection port provided at one side of said mouth piece for connecting said second fluid conduit in communication with said receptacle bore (See Fig. 7); a fluid supply adaptor 22a having a fluid supply passage and being adapted to be inserted into said mouth piece to block a fluid flow from said second fluid conduit to said first fluid conduit and to feed a fluid from said fluid supply passage to said first fluid conduit (see Fig. 3 and Col. 5, Line 35 – Col. 6, Line 22). Akiba is silent with respect to a plug member fitted in an outer open end of said receptacle bore of said mouth piece in place of said fluid supply adapter. Fischell et al. teach of analogous apparatus having a plug member 57 placed over a fluid feed port (see Fig. 6b). It would have been obvious to one skilled in the art at the time the invention was made to include a plug member to be fitted within the mouthpiece when the fluid supply adapter is not engaged in the mouthpiece of Akiba to keep a sterilized environment within the conduit system by preventing outside contaminants from entering as taught by Fischell et al. and is well known within the art.

In regards to claim 2, Akiba discloses an endoscopic fluid supply conduit system, wherein the fluid feed port on the manipulating head assembly is provided on a side away from the side to which the insertion tube is connected (see Fig. 1).

In regards to claim 3, Akiba discloses an endoscopic fluid supply conduit

system, wherein the fluid supply channel selector means includes a mouth piece fixedly fitted in the fluid feed port, the mouth piece being provided with an axial receptacle bore 24, a first connection port 12a formed at an inner axial end of the mouth piece for connecting the first fluid conduit in communication with the receptacle bore, and a second connection port 12b provided at one side of the mouth piece for connecting the second fluid conduit in communication with the receptacle bore, the second connection port being closed when the fluid supply adaptor is connected to the mouth piece, and the first and second connection ports being brought into communication with each other when a plug member is fitted in an outer open end of the receptacle bore of the mouth piece (see Figs. 3-4).

In regards to claims 7-8, Akiba discloses an endoscopic fluid supply conduit system, wherein the fluid feed adaptor is provided with a Luer-Lok mechanism to permit connection of at least one Luer-Lok syringe (see Fig. 1).

Allowable Subject Matter

Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/800,641
Art Unit: 3739

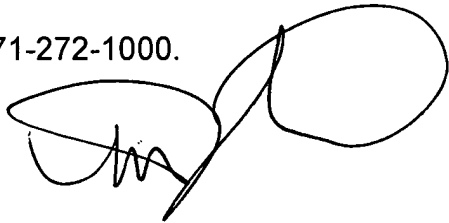
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK



12/19/07



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